

State Board of Elections Policy 2008-012

A meeting of the Virginia State Board of Elections was held on October 28, 2008 whereby a policy was proposed and approved by the Board:

Use of Federal Write In Absentee Ballot

WHEREAS, the Code of Virginia, § 24.2-702.1 states, in part:

A. Notwithstanding any other provision of this title, a qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § [24.2-700](#) may use a federal write-in absentee ballot in general, special, and primary elections for federal office. Such ballot shall be submitted and processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.) and this article.

B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot for federal offices only, provided that the ballot is received not less than five days prior to the election in which the voter offers to vote, and the application on the envelope contains the following information: (i) the voter's signature; however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers to vote; (iv) the residence address at which he is registered to vote; and (v) his current military or overseas address. The envelope must be witnessed, and the witness shall provide his signature, printed name and address in the witness signature box.

WHEREAS, Opinion of the Atty. Gen. of Va, 2008-088 states

Therefore, it is my opinion that the provisions of [Va. Code] § 24.2-702.1(B) interpreted to require an overseas military voter submitting a FWAB to include the printed name and address of the person who signs the witness statement is preempted by UOCAVA. Thus, I also conclude that general registrars may not reject a FWAB submitted by overseas military voters that do not include a witness signature, and printed name and address of a witness, unless the voter is unable to sign the application due to a physical disability or inability to read or write.

now therefore be it

RESOLVED, by the State Board of Elections under its authority to issue rules and regulations to promote the proper administration of election laws and obtain uniformity in the administration of elections pursuant to § 24.2-103, that

A general registrar may not reject a FWAB submitted by overseas or military voters for the November 4, 2008 federal election, that does not include a printed name and address for the person who signs the witness statement, unless the voter is unable to sign the application due to a physical disability or inability to read or write.

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